

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Domonique Keshawn Dingle,

PETITIONER

v.

Warden Boggs, FCI Williamsburg,

RESPONDENT

Case No. 9:19-cv-02969-TLW

Order

Petitioner Domonique Keshawn Dingle, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 18. In the Report, the magistrate judge recommends that Respondent's motion for summary judgment be granted and the petition be dismissed. Petitioner filed objections to the Report. ECF No. 20. This matter is now ripe for decision.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections.

The undersigned will not restate the analysis by the magistrate judge. However, in summary, Petitioner's federal sentence was consecutive to his state sentence. As well, he did receive credit on his state sentence from February 3, 2017 through January 22, 2018, when he was "borrowed" from state custody by the United States Marshals Service. Specifically, a prisoner cannot receive double custody credit under 18 U.S.C. § 3585(b).

After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report, ECF No. 18, is **ACCEPTED**, Petitioner's objections, ECF No. 20, are **OVERRULED**, and Respondent's motion for summary judgment, ECF No. 13, is **GRANTED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten
Senior United States District Judge

April 17, 2020
Columbia, South Carolina